Police Review Commission (PRC)

POLICE REVIEW COMMISSION

REGULAR MEETING

AGENDA

Wednesday, January 23, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL**

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. **APPROVAL OF MINUTES**
Regular Meeting of January 9, 2013.

5. **CHIEF OF POLICE'S REPORT**
Budget, staffing, training, and crime updates.

6. **NEW BUSINESS**
 A. 12/18/12 City Council referral to review proposed resolution regarding drones -discussion/action.
 B. Possible creation of a subcommittee related to City Council referral in Item 6.A.
 C. Discussion and action on whether to merge Outreach and 40th Anniversary subcommittees.

7. **SUBCOMMITTEE REPORTS & RECOMMENDATIONS**
 A. Accreditation Subcommittee
 Update from meeting on Jan 23, 2013.

 B. PRC 40th Anniversary Subcommittee
 Update from meeting on Jan 23, 2013.

 C. Outreach Subcommittee
 Determination and announcement of next meeting date.

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http: // www.cityofberkeley.info/prc/

8. **OLD BUSINESS**
 Possible creation of a public safety subcommittee in response to City Council referral.

9. **PRC OFFICER'S REPORT**
 Update status of complaints.

10. **ANNOUNCEMENTS & COMMUNICATIONS**
 A. Referral from City Council to review proposed resolution regarding drones.
 B. Letter to Alameda Board of Supervisors and Alameda County Sheriff dated Dec. 20, 2012 requesting delay on the purchase of a drone pending City of Berkeley's review of the issue.
 C. Letter from Alameda County Sheriff dated Jan. 7, 2013 in response to item 10.B.
 D. Public Safety Commission Referral
 E. Proposed Public Safety Commission Discussion Points
 F. City Ordinance No. 4644 N.S.
 G. Semi-Annual Report of Marijuana Enforcement Activity

11. **ADJOURNMENT**

Contact: Lucinda Simpson, Commission Secretary, at (510) 981-4950 or prc@cityofberkeley.info.

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December 18, 2012 referral from City Council to Peace and Justice Commission, PRC, and Disaster and Fire Safety Commission for review.

5. Proclaim Berkeley a No Drone Zone and Enact an Ordinance to that Effect.
From: Peace and Justice Commission
Recommendation: Adopt a Resolution and Proclamation proclaiming:

1. Berkeley a No Drone Zone and instructing the City Attorney to perform the necessary legal tasks to transform this declaration of a No Drone Zone into an Ordinance for the City of Berkeley wherein drones are hereby banned from airspace.

2. That drones will not be purchased, leased, borrowed, tested or otherwise used by any agency of the City of Berkeley over the City of Berkeley, including drones in transit.

3. That exemptions will be made for hobbyists to continue to fly remote controlled model aircraft in specified areas, away from dwellings and the urban cityscape of people and buildings as long as those devices are not equipped with any kind of camera or audio surveillance equipment.

Copies of this Resolution shall be sent to Governor Jerry Brown, California Attorney General Kamala Harris, State Senator Loni Hancock, Assemblymember Nancy Skinner, the Alameda County Sheriff, Senator Dianne Feinstein, Senator Barbara Boxer, Representative Barbara Lee, President Barack Obama, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense.
Financial Implications: Unknown
Contact: Eric Brenman, Commission Secretary, 981-5114
Action: M/S/C (Worthington/Arreguin) to accept supplemental information from Councilmember Maio on Item 5.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.

Action: 19 speakers. Motion/Second/Failed (Worthington/Anderson) to:
1. Refer the item to the Peace and Justice Commission, the Police Review Commission, and the Disaster and Fire Safety Commission for review;
2. Refer the issue to the Agenda Committee to schedule a worksession before the Council after the commissions have concluded their review; and
3. Send a letter to the Alameda County Board of Supervisors and the Alameda County Sheriff requesting that they delay any action on the purchase of a drone until the City of Berkeley has completed its evaluation of the issue.

Vote: Ayes – Anderson, Worthington; Noes – Maio, Capitelli, Wengraf, Wozniak; Abstain – Moore, Arreguin; Absent – Bates.

Action: Motion/Second/Carried (Wozniak/Moore) to:

1. Refer the item, including the proposed amendments from Councilmember Arreguin listed below, to the Peace and Justice Commission, the Police Review Commission, and the Disaster and Fire Safety Commission for review.

Delete from proposed Resolution:
The first Be It Resolved clause and the next two Be It Further Resolved clauses.

Add the following text to the Resolution:
NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley the City of Berkeley expresses its concern about the proliferation of drones and domestic law enforcement and the lack of adequate regulations to protect against improper surveillance and to protect the privacy rights of citizens.

BE IT FURTHER RESOLVED that police use of drones is permitted upon approval of City Manager, or upon approval of the Chief of police in emergency situations when the City Manager isn't available in the following circumstances: 1) in the case of a disaster, 2) to assist in locating missing persons, 3) to assist in rescue efforts, 4) to assist in police pursuit of known suspects who have committed serious or violent crimes. Armed drones are explicitly prohibited. Any grant application for or purchase of drones by the Berkeley Police Department requires the approval of the Berkeley City Council, before any decision to apply for funds for drones or to purchase a drone is made; and

BE IT FURTHER RESOLVED the Berkeley City Council urges the Alameda county sheriff and the Board of supervisors to not purchase a drone

BE IT FURTHER RESOLVED that the City of Berkeley urges the Alameda county Sheriff to not fly drones over Berkeley air space except 1) in the case of a disaster, 2) to assist in locating missing persons, 3) to assist in rescue efforts, 4) to assist in police pursuit of known suspects who have committed serious or violent crimes.

BE IT FURTHER AND FINALLY RESOLVED that copies of this Resolution be sent to Governor Jerry Brown, California Attorney General Kamala Harris, State Senator Loni Hancock, Assemblymember Nancy Skinner, the Alameda County Sheriff, Senator Dianne Feinstein, Senator Barbara Boxer, Representative Barbara Lee, President Barack Obama, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense.

2. Refer the issue to the Agenda Committee to schedule a worksession before the Council after the commissions have concluded their review.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak; Noes – Worthington; Abstain – None; Absent – Bates.

Action: Motion/Second/Carried (Worthington/Arreguin) to send a letter to the Alameda County Board of Supervisors and the Alameda County Sheriff requesting that they delay any action on the purchase of a drone until the City of Berkeley has completed its evaluation of the issue.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.

City Clerk Department

COMMUNICATION No. 4416

December 20, 2012

Alameda County Board of Supervisors
County of Alameda Administration Building
1221 Oak Street, Ste. 536
Oakland, CA 94612

Sheriff Gregory J. Ahern
Alameda County Sheriff Office
1401 Lakeside Drive, 12th Flr.
Oakland, CA 94612

RE: Proclaim Berkeley a No Drone Zone and Enact an Ordinance to that Effect

At its meeting of December 18, 2012, the Berkeley City Council voted to send a letter to the Alameda County Board of Supervisors and the Alameda County Sheriff requesting that they delay any action on the purchase of a drone until the City of Berkeley has completed its evaluation of the issue.

Sincerely,

Mark Numainville, CMC
Acting City Clerk

Cc: ~~Eric Brenman, Secretary~~
Christine Daniel, City Manager

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-6900 • TDD: (510) 981-6903 • Fax: (510) 981-6901
E-Mail: clerk@ci.berkeley.ca.us Website: http://www.ci.berkeley.ca.us/clerk

RECEIVED
JAN 08 2013
CITY OF BERKELEY
CITY CLERK DEPARTMENT

Alameda County Sheriff's Office
Lakeside Plaza, 1401 Lakeside Drive, 12th Floor, Oakland, CA 94612-4305

Gregory J. Ahern, Sheriff
Director of Emergency Services
Coroner - Marshal

(510) 272-6866

COMMUNICATION No. 4416

January 7, 2013

Mark Numainville, CMC
Acting City Clerk
2180 Milvia Street
Berkeley, CA 94704

Dear Mr. Numainville:

Subject: Proclaim Berkeley a No Drone Zone and Enact an Ordinance to That Effect

I am aware of your concerns, and it is my understanding that the Berkeley City Council did not prohibit the use of an Unmanned Aerial System to be flown within the Berkeley city limits. Thank you for your letter of notification, dated December 20, 2012. My staff and I are currently reviewing our options to purchase an Unmanned Aerial System to be utilized for mission specific events.

I also am very aware of the concerns of citizens' groups regarding privacy issues of the citizens of Alameda County. All parties have been assured that, if we are able to obtain an Unmanned Aerial System, the Alameda County Sheriff's Office does not intend to utilize the device for surveillance of the citizens in our community.

Sincerely,

Gregory J. Ahern
Sheriff-Coroner

GJA/daw

F:GJA40

Police Review Commission (PRC)

POLICE REVIEW COMMISSION

REGULAR MEETING

AGENDA

Wednesday, February 13, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL**

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. **APPROVAL OF MINUTES**
Regular Meeting of January 23, 2013.

5. **CHIEF OF POLICE'S REPORT**
2012 Annual Crime Report.

6. **OLD BUSINESS** for discussion/action
 A. 12/18/12 City Council referral to review proposed resolution regarding drones.
 B. Chair to make appointments to newly formed subcommittee on drones.
 C. Whether to merge Outreach and 40th Anniversary subcommittees.
 D. Creation of written response from PRC to BPD about the Public Safety referral from Council.

7. **SUBCOMMITTEE REPORTS & RECOMMENDATIONS**
 A. Accreditation Subcommittee
 Determination and announcement of next meeting date.

 B. PRC 40th Anniversary Subcommittee
 Update from meeting on Feb. 13, 2013 at 6 p.m.

 C. Outreach Subcommittee
 Determination and announcement of next meeting date.

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8. **PRC OFFICER'S REPORT**
 Update status of complaints.

9. **ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**
 A. 2012 Annual Crime Report.
 B. Referral from City Council to review proposed resolution regarding drones.
 C. Letter to Alameda Board of Supervisors and Alameda County Sheriff dated Dec. 20, 2012.
 D. Letter from Alameda County Sheriff dated Jan. 7, 2013 in response to item 9.C.
 E. Public Safety Commission Referral.
 F. Proposed Public Safety Commission Discussion Points.
 G. New York Times article dated Feb. 2, 2013 forwarded to Commissioners at request of Commissioner Morris.
 H. Letter dated Jan. 28, 2013 requesting to receive agenda packets.
 I. Proposed Draft from Commission Morris regarding item 6D.

10. **ADJOURNMENT**

Contact: Lucinda Simpson, Commission Secretary, at (510) 981-4950 or prc@cityofberkeley.info.

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LS

Police Review Commission (PRC)

POLICE REVIEW COMMISSION

REGULAR MEETING

MINUTES approved

Wednesday, January 23, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL BY VICE-CHAIR ROGERS AT 7:07 P.M.**

 Present: Vice Chair Ann Rogers
 Commissioner Veena Dubal
 Commissioner Seth Morris
 Commissioner Michael Sherman
 Commissioner William White

 Absent: Chair Shenoy and Commissioners Allen, Amaral, Perezvelez.
 PRC Staff: Lucinda Simpson, PRC Officer

 BPD Staff: Captain. Harris, Lieutenant Files, and Sergeant Smith.

2. **APPROVAL OF AGENDA**
 The agenda was approved.

3. **PUBLIC COMMENT**
 None.

4. **APPROVAL OF MINUTES**
 Motion to approve minutes of January 9, 2013
 Moved/Seconded (White/Sherman) **Motion Carried**
 Ayes: Dubal, Morris, Rogers, Sherman and White.
 Noes: none Abstain: none Absent: Allen, Amaral, Perezvelez, and Shenoy.

5. **CHIEF OF POLICE'S REPORT**
 Captain Harris reported on behalf of the Chief that BPD is currently staffed with 170 sworn officers with authorized strength of 176. One Sgt. recently retired and Officer Molero was just promoted to Sgt. Three new recruits are coming out of the academy in March and two new recruits will start in the academy in April. BPD uses academies in Contra Costa and Santa Clara and has used Sacramento in the past. Two community service officers retired and BPD will be

recruiting and testing for those positions. BPD is also searching for a crime scene supervisor. Two new experienced dispatchers recently started. BPD has 30 dispatchers and is authorized for 32. On February 5, 2013 at 5 p.m. City Council will hold a special session for the Chief's crime report.

6. NEW BUSINESS

A. 12/18/12 City Council referral to review proposed resolution regarding drones -discussion/action.

Vice Chair Rogers informed the Commissioners that BPD Captain Upson and Interim Fire Chief Gil Dong would be available at the next meeting to answer any questions on the topic.

Motion to table the matter until the next meeting.
Moved/Seconded (White/Sherman) **Motion Carried**
Ayes: Dubal, Morris, Rogers, Sherman and White.
Noes: none Abstain: none Absent: Allen, Amaral, Perezvelez, and Shenoy.

B. Possible creation of a subcommittee related to City Council referral in Item 6.A.

Motion to create a subcommittee to address City Council's referral on drones.
Moved/Seconded (Morris/Sherman) **Motion Carried**
Ayes: Dubal, Morris, Rogers, Sherman and White.
Noes: none Abstain: none Absent: Allen, Amaral, Perezvelez, and Shenoy.

Commissioners agreed by consensus to reserve appointments to the subcommittee for the next meeting. Commissioners Dubal, Morris, and Sherman expressed interest in serving.

C. Discussion and action on whether to merge Outreach and 40th Anniversary subcommittees. The matter was carried over to the next meeting by consensus.

7. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

A. Accreditation Subcommittee
The meeting scheduled for earlier in the evening was canceled due to lack of quorum. The next meeting date is to be determined.

B. PRC 40th Anniversary Subcommittee
The meeting scheduled for earlier in the evening was canceled due to lack of quorum. The next possible meeting date will be Feb. 13, 2013 at 6 p.m.

C. Outreach Subcommittee
The next meeting date is to be determined.

8. OLD BUSINESS

Possible creation of a public safety subcommittee in response to City Council referral. The Commission took no action on this item.

By consensus, commissioners requested that discussion/action about a written response from PRC to BPD about the Public Safety referral from City Council be agendized for the next meeting.

9. PRC OFFICER'S REPORT

PRC has 11 open complaint cases and one case is scheduled for Board of Inquiry the following week.

10. ANNOUNCEMENTS & COMMUNICATIONS

a. Referral from City Council to review proposed resolution regarding drones.
b. Letter to Alameda Board of Supervisors and Alameda County Sheriff dated Dec. 20, 2012 requesting delay on the purchase of a drone pending City of Berkeley's review of the issue.
c. Letter from Alameda County Sheriff dated Jan. 7, 2013 in response to item 10.B.
d. Public Safety Commission Referral.
e. Proposed Public Safety Commission Discussion Points.
f. City Ordinance No. 4644 N.S.
g. Semi-Annual Report of Marijuana Enforcement Activity.

11. ADJOURNMENT

Motion to adjourn

Moved/Seconded (Dubal/Morris) **Motion Carried**

Ayes: Dubal, Morris, Rogers, Sherman and White.

Noes: none Abstain: none Absent: Allen, Amaral, Perezvelez, and Shenoy.

Meeting was adjourned at 8:10 p.m.

lks

Police Review Commission (PRC)

POLICE REVIEW COMMISSION

REGULAR MEETING

AGENDA

Wednesday, February 27, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL**

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. **APPROVAL OF MINUTES**
Regular Meeting of February 13, 2013.

5. **CHIEF OF POLICE'S REPORT**
 A. Update on in-custody death from 2/12/13.
 B. Budget, staffing, training, and crime updates.

6. **SUBCOMMITTEE REPORTS & RECOMMENDATIONS**
 A. Accreditation Subcommittee
 Update from meeting on Feb. 27, 2013

 B. PRC 40th Anniversary Subcommittee
 Next meeting to be held March 13, 2013 at 5 p.m.

 C. Outreach Subcommittee
 Determination and announcement of next meeting date.

 D. Drones Subcommittee (for review of proposed resolution from City Council on drones).
 Update from first meeting on Feb. 27, 2013.

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7. **NEW BUSINESS**
 A. Discussion/action regarding Berkeley Police Department in-custody death on 2/12/13, including possible initiation of a complaint.
 B. Extension of Accreditation Sub-Committee.
 C. Selection of PRC's 40th Anniversary celebration date.

8. **PRC OFFICER'S REPORT**
 Update status of complaints.

9. **ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**
 A. Oral report from Commissioner Dubal about ride-along with BPD.
 B. Packet of reading materials and articles on drones submitted by Commissioner Sherman.
 C. New York Times article regarding drones dated Feb. 15, 2013 forwarded to Commissioners at request of Commissioner Dubal.
 D. Emails dated 2/15/13 and 2/19/13 requesting investigation of in-custody death on 2/12/13.
 E. PRC response to Chief Meehan regarding Public Safety Commission referral.

Closed Session

10. **REVIEW AND DISCUSSION OF RULING FROM CALOCA APPEAL.**
 Complaint # 2298

End of Closed Session

11. **ADJOURNMENT**

Contact: Lucinda Simpson, Commission Secretary, at (510) 981-4950 or prc@cityofberkeley.info.

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ls

B

COMMUNICATION No. 4416

By: David Swanson Monday February 4, 2013 9:43 pm

206 points 1k

Tweet 50



Charlottesville City Hall. The city just became the first in the USA to pass a resolution restricting the use of drones.

Shortly after 11 p.m. on Monday, February 4th, the City Council of Charlottesville, Va., passed what is believed to be the first anti-drone resolution in the country. According to my notes, and verifiable soon on the

, the resolution reads:

WHEREAS, the rapid implementation of drone technology throughout the United States poses a serious threat to the privacy and constitutional rights of the American people, including the residents of Charlottesville; and

WHEREAS, the federal government and the Commonwealth of Virginia have thus far failed to provide reasonable legal restrictions on the use of drones within the United States; and

WHEREAS, police departments throughout the country have begun implementing drone technology absent any guidance or guidelines from law makers;

NOW, THEREFORE, LET IT BE RESOLVED, that the City Council of Charlottesville, Virginia, endorses the proposal for a two year moratorium on drones in the state of Virginia; and calls on the United States Congress and the General Assembly of the Commonwealth of Virginia to adopt legislation prohibiting information obtained from the domestic use of drones from being introduced into a Federal or State court, and precluding the domestic use of drones equipped with anti-personnel devices, meaning any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being; and pledges to abstain from similar uses with city-owned, leased, or borrowed drones.

The same City Council passed a resolution on January 17, 2012, calling for an end to drone wars, as well as ground wars, excessive military spending, and any possible attack on Iran.

The wording of Monday's resolution comes largely from a draft suggested by the Rutherford institute. An initial line was deleted and two amendments were made to the final paragraph, one endorsing a two-year moratorium on drones (something that had passed in committee in both houses of the Virginia legislature as of Saturday in the House and Monday in the Senate), the other committing the City not to use drones for surveillance or assault.

The wording was not as comprehensive as the draft that had appeared in the City Council's official agenda for Monday's meeting, a draft I had authored. See it here in the city agenda or on my website.

At the previous meeting of the City Council on January 7, 2013, I and a few other residents had spoken in support of a resolution, and three of the five city council members agreed to put it on the agenda for the February 4th meeting. Some of the public comments were excellent, and the video of the meeting is on the city's website.

On Monday, citizens speaking in favor of the anti-drone resolution dominated the public speaking period at the beginning of the meeting, shortly after 7 p.m. Many were quite eloquent, and the video will be available soon on the city's site. The council members did not discuss and vote on the matter until shortly after 11 p.m. The discussion was quite brief, coming on the heels of hours devoted to other matters.

The same three city council members who had put the item on the agenda voted in favor of the resolution, passing it by a vote of 3-2. They were Dave Norris, Dede Smith, and Satyendra Sing Huja. Norris and Smith negotiated the slight improvements to the Rutherford Institute's draft with Huja, who initially favored passing that draft as it was written. Norris and Smith favored banning the City from purchasing drones, but Council Member Kristin Szakos argued that there might be a positive use for a drone someday, such as for the fire department. Kathy Galvin joined Szakos in voting No.

Norris has been a leader on the City Council for years and sadly will not be running for reelection at the end of his current term.

Following the January meeting, I submitted my draft to the city, asked people to phone and email the council members, published a [illegible] in the local daily newspaper, and organized an event in front of City Hall on Sunday, the day before the vote. Anti-drone activist John Heuer from North Carolina delivered a giant model drone produced by New York anti-drone activist Nick Mottern. Our little stunt produced coverage on the television and in the . I asked people to commit to attending the meeting on a FaceBook

. The room ended up packed, and when I asked those who supported the resolution to stand, most of the room did so.

No organized pro-drone lobby ever developed. We met and confronted the argument that localities shouldn't lobby states or Washington. And, of course, some people are opposed to drones in the United States but eager to see them used however the President may see fit abroad. Charlottesville's City Council ended up not including the section in my draft that instructed the federal government to end its practice of extrajudicial killing. But there was no discussion on that point, and several other sections, including one creating a local ordinance, were left out as well. The problem there, according to Smith, was that "we don't own the air."

Yet, we should. And Oregon is attempting to do so with its draft state legislation.

In the past, Charlottesville has passed resolutions that have inspired other localities and impacted federal and state policies. Let us hope this one is no exception.

Photo by released under a Creative Commons license.

Tags: [illegible]

18 Responses to First City in U.S. Passes Resolution Against Drones

1. February 5th, 2013 at 4:07 am

This is great news. I hope more municipalities do this, including those where I go.

I wonder if – since the Feds and some localities will Drone on – I wonder if any towns will install anti-aircraft gunneries.

2. February 5th, 2013 at 6:52 am

Great work, David. I hope many other cities follow this lead.

3. February 5th, 2013 at 12:53 pm

"Whereas" their insufferable pipsqueak insolence; "Whereas" their insufficient Adoration of the Obama; "Whereas" their lawless insubordination in a time of permawar- these council members shall be drummed out of the Dronocrat Party.

No – not drummed out, droned out!

4. February 5th, 2013 at 1:46 pm

According to the new drone rules this action could be considered an "imminent" threat because it is banning the use of a weapon designed to keep us safe. Where does Obama draw the line? or the next Imperial President? or the infallable supreme leader of Amerika?

5. February 5th, 2013 at 2:08 pm

While this is a much needed, and I hope replicated action, it will have little short term effect on DHS or other lovers of technology outpacing the law or common sense. The US government, in the guise of the FAA control all airspace, not local government. I know the civilian pilot population is generally pissed at the prospect of unmanned aircraft sharing airspace while they fly their friends and family mixing with crews, aircraft and operations of various quality. The AOPA, EAA and other alphabet organizations need to push local county and city boards to resist the further militarization of our police and country.

Reply

6. [illegible] February 5th, 2013 at 2:28 pm

They thought they might "scare the horses."

Reply

7. [illegible] Beall February 5th, 2013 at 2:42 pm

I'm beginning to like Charlottesville, VA. Of course, it is also home to Thomas Jefferson's University of Virginia, whose students and faculty distinguished themselves last summer by revolting against their president being forced to resign by a reactionary, anti-liberal arts governing board,leading to her reinstatement. The anti-drone resolution is also a bigger deal than some might think: Both actions attest to a growing realization among the body politic in this country that things have to change.

And Jefferson would be proud of today's UVa, the City Council, and you too, DS.

Reply

8. [illegible] February 5th, 2013 at 2:42 pm
In response to [illegible]

Where does Obama draw the line?

"Line, line? We dun't need no stinkin' line. "

9. February 5th, 2013 at 2:43 pm
In response to [illegible]

"You're gonna need a bigger line".

10. February 5th, 2013 at 2:59 pm

I agree with the thrust of this, but disagree. I was on my local Council when we had an active shooter situation. He was holed up in a house and ultimately found dead (suicide). But the police were barricaded outside at a distance. There were several hours of uncertainty about a potential hostage situation.

I feel that in well-defined situations, such as active shooters, police should have drones to try to peer into windows, etc.

business to pretty please come sample our tax free environment. But here's the blueprint:

"Following the January meeting, I submitted my draft to the city, asked people to phone and email the council members, published a column in the local daily newspaper, and organized an event in front of City Hall on Sunday, the day before the vote. Anti-drone activist John Heuer from North Carolina delivered a giant model drone produced by New York anti-drone activist Nick Mottern. Our little stunt produced coverage on the two television channels and in the newspaper. I asked people to commit to attending the meeting on a FaceBook page. The room ended up packed, and when I asked those who supported the resolution to stand, most of the room did so."

Sounds straightforward to me. Recommended.

Reply

18. lefttown February 6th, 2013 at 10:41 am
In response to TimWhite at 10

> I feel that in well-defined situations, such as active shooters, police should have drones to try to peer into windows, etc.

And who will decide what constitutes "well-defined" and *very* limited? Hey, maybe they could expand the definition and use them for "suspected" drug users. Fill up the prisons. You will actually bring up spending money for drones to spy on people?

> But the police were barricaded outside at a distance. There were several hours of uncertainty about a potential hostage situation.

Oh, piss. They've got the weapons, the vests, and anything else their little hearts desire (if it has to do with law enforcement, just ask Homeland Security and our taxpayer dollars will provide it). It was one, stinking man. He committed suicide, anyway. Good grief.

Reply

Leave a Reply

You must be logged in to post a comment.

Rape as Collateral Damage

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Pardon John Kiriakou

City in Virginia Becomes First to Pass Anti-Drone Legislation

Resolution bans all municipal agencies from buying or leasing drones

By JASON KOEBLER

February 5, 2013

Charlottesville, Va., has become the first city in the United States to formally pass an anti-drone resolution.

The resolution, passed Monday, "calls on the United States Congress and the General Assembly of the Commonwealth of Virginia to adopt legislation prohibiting information obtained from the domestic use of drones from being introduced into a Federal or State court," and "pledges to abstain from similar uses with city-owned, leased, or borrowed drones."

[PHOTOS: The Rise of the Drone]



A statue of Thomas Jefferson overlooks the Charlottesville, Va., campus of the University of Virginia.

The resolution passed by a 3-2 vote and was brought to the city council by activist David Swanson and the Rutherford Institute, a civil liberties group based in the city. The measure also endorses a proposed two-year moratorium on drones in Virginia.

Councilmember Dede Smith, who voted in favor of the bill, says that drones are "pretty clearly a threat to our constitutional right to privacy."

"If we don't get out ahead of it to establish some guidelines for how drones are used, they will be used in a very invasive way and we'll be left to try and pick up the pieces," she says.

[READ: White House Declines to Explain Drone Policy]

The passed resolution is much less restrictive than the draft Swanson originally introduced, which would have sought to declare the city a "No Drone Zone" and would have tried to banned all drones over Charlottesville airspace "to the extent compatible with federal law." The draft would have also banned all Charlottesville municipal agencies from buying, leasing, borrowing, or testing any drones.

Councilmember Dave Norris says the city has a "long tradition of promoting civil liberties."

"It's just part of our culture here," he says.

Charlottesville is located 120 miles southwest of Washington, D.C., and has a population of about 43,000. The city is home to the University of Virginia, which has not tried to obtain a waiver to test drones from the Federal Aviation Administration.

[PHOTOS: 'Stealth' Hoodie Lets You Duck Drone Cameras]

The move earned praise from the Electronic Privacy Information Center. Amie Stepanovich, a lawyer with the group, says that the "Charlottesville resolution demonstrates that people care about protecting their civil liberties and Fourth Amendment rights and are willing to devote the time necessary to closely examine this issue."

"Lawmakers should be looking at [drone privacy] issues now in order to ensure that there are safeguards in place to protect individual privacy from these invasive technologies," she says.

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Smith admits that the final legislation won't do anything to prevent federal- or state-operated drones from operating over Charlottesville's skies, but that the symbolic move could push other cities to follow suit.

"With a lot of these resolutions, although they don't have a lot of teeth to them, they can inspire other governments to pass similar measures," she says. "You can get a critical mass and then it does have influence. One doesn't do much, but a thousand of them might. We want this on [federal and state lawmakers'] radars."

[**RELATED:** Oregon Drone Bill Would Claim the 'Airspace' Above Your Shoestrings]

Vice Mayor Kristin Szakos, who voted against the resolution, says she "can imagine ways in which drones might be used for positive things" and that the move was premature.

"I think drones have been used for bad things, but it's like banning airplanes because they can drop bombs," she says. "At this point, the city isn't even talking about using drones. It seems premature to me to ban them altogether."

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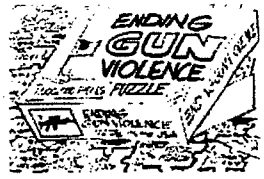
Jason Koebler is a science and technology reporter for *U.S. News & World Report*. You can follow him on Twitter or reach him at jkoebler@usnews.com.

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Drones Carrying Guns



Gun Control Cartoons

Tags: drones, [illegible]

From: shrmmi <shrmmi@aol.com>
To: shrmmi <shrmmi@aol.com>
Subject: prt
Date: Wed, Feb 6, 2013 3:47 pm

WHEREAS, the rapid implementation of drone technology throughout the United States poses a serious threat to the privacy and constitutional rights of the American people, including the residents of Charlottesville; and

WHEREAS, the federal government and the Commonwealth of Virginia have thus far failed to provide reasonable legal restrictions on the use of drones within the United States; and

WHEREAS, police departments throughout the country have begun implementing drone technology absent any guidance or guidelines from law makers;

NOW, THEREFORE, LET IT BE RESOLVED, that the City Council of Charlottesville, Virginia, endorses the proposal for a two year moratorium on drones in the state of Virginia; and calls on the United States Congress and the General Assembly of the Commonwealth of Virginia to adopt legislation prohibiting information obtained from the domestic use of drones from being introduced into a Federal or State court, and precluding the domestic use of drones equipped with anti-personnel devices, meaning any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being; and pledges to abstain from similar uses with city-owned, leased, or borrowed drones.

DRAFT ANTI-DRONE RESOLUTION

WHEREAS, United States airspace is the busiest in the world, with up to 87,000 flights per day;

WHEREAS, unmanned aircraft (drones) have an accident rate seven times higher than general aviation and 353 times higher than commercial aviation;

WHEREAS, the Federal Aviation Administration Modernization and Reform Act of 2012 directs the FAA to create regulations that will enable drones to fly throughout U.S. airspace by September, 2015;

WHEREAS, small drones, 25 pounds or under, are now permitted to fly in general airspace below 400 feet for the use of police and first responders, with FAA permission;

WHEREAS, drones do not have the same capability to avoid other aircraft as aircraft piloted by humans;

WHEREAS, drones have at times gotten out of human control, in at least one instance having to be shot down, and drones are susceptible to electronic interference and having control seized electronically by unauthorized operators;

WHEREAS, drones can be used to film individuals or groups around the clock, in public spaces and through the windows of private homes, and to continuously monitor cell-phone and text messaging;

WHEREAS, drones are being developed that will use computerized facial images to target individuals and, once launched, to operate, autonomously, without further human involvement, to locate and kill those individuals;

WHEREAS, Vanguard Defense Industries has confirmed that its Shadowhawk drone, which is already being sold to law enforcement agencies throughout the country, will be outfitted with weapons, including a grenade launcher or a shotgun, tear gas, and rubber buckshot, and such aerial police weapons send a clear and chilling message to those attempting to exercise their First Amendment rights by taking to the streets and protesting government policies -- the message: stay home;

WHEREAS, the rapid implementation of drone technology throughout the United States poses a serious threat to the privacy and constitutional rights of the American people, including the residents of Charlottesville;

WHEREAS, the federal government and the Commonwealth of Virginia have thus far failed to provide reasonable legal restrictions on the use of drones within the United States;

WHEREAS, police departments throughout the country have begun implementing drone technology absent any guidance or guidelines from law makers;

WHEREAS, the federal use of drones provides a poor precedent for their domestic use, drone wars having turned public opinion in Yemen and Pakistan dramatically against the U.S. government, drone strikes having killed far more non-targeted people than those targeted, targeted victims having included men, women, and children known by name and unknown, no targeted individual having been charged with any crime, no legislative or judicial or public oversight having been permitted, "double-tap" strikes having been used to target rescuers of

victims of previous strikes, children and adults having been traumatized by the presence of drones, over a million people having fled their homes in heavily droned areas, drones having killed Americans in accidental "friendly fire," drone operators having been targeted and killed on a base in Afghanistan, drone pilots having suffered post-traumatic stress disorder at a higher rate than other pilots as a result of watching families for long periods of time before killing them, and drones having proved a tremendously costly expense for taxpayers;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Charlottesville, Virginia, calls on the United States Congress and the General Assembly of the Commonwealth of Virginia, to adopt legislation prohibiting the use of drones for surveillance, and prohibiting information obtained from the domestic use of drones from being introduced into a Federal or State court, and precluding the domestic use of drones equipped with anti-personnel devices, meaning any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being.

BE IT FURTHER RESOLVED, that the City Council of Charlottesville, Virginia, calls on the U.S. government to immediately end its practice of extrajudicial killing, whether by drone or any other means.

BE IT FURTHER RESOLVED, that the City Council of Charlottesville, Virginia, declares Charlottesville a No Drone Zone, and instructs the City Attorney to perform the necessary legal tasks to transform this declaration into an Ordinance wherein drones are hereby banned from airspace over the City of Charlottesville, including drones in transit, to the extent compatible with federal law.

BE IT FURTHER RESOLVED, that violation of the ordinance shall be considered a misdemeanor carrying a maximum penalty of up to one year in jail and a fine not to exceed $10,000, and each offense that is more than one offense of flying a drone within said airspace will be considered to be an additional misdemeanor, with jail time and fines based on the number of violations.

BE IT FURTHER RESOLVED, that exemptions will be made for hobbyists to fly remote controlled model aircraft and other unmanned aerial vehicles in specified areas, away from dwellings and the urban cityscape of people and buildings as long as those devices are not equipped to monitor any person or private residence or equipped with any weapon.

BE IT FURTHER RESOLVED, that drones will not be purchased, leased, borrowed, tested, contracted or otherwise used by any agency of the City of Charlottesville.

ATTACHMENT

A New Model Drone Resolution
By David Swanson
http://warisacrime.org/content/new-model-drone-resolution

In the absence of state or federal laws, localities around the United States are proceeding to put unmanned aerial vehicles in our skies as they see fit. The federal government has authorized the flight of 30,000 drones, and the use of drones up to 400 feet by police departments, at least 300 of which already have surveillance drones in operation.

Concerns include the following: drones can crash into airplanes, buildings, and each other; drones can fall out of the sky; drones can produce noise pollution; drones can produce visual pollution if put to the same use that everything from brick walls to urinals has been put to, viz. advertising; drones can be used to spy on us whether by private or public entities; police surveillance with drones will violate our Fourth Amendment rights as all existing technologies are currently used to do; police forces that view the public as their enemy will deploy drones armed with rubber bullets, tear gas, or other weapons; and ultimately a program run by the U.S. military and the CIA that has targeted and murdered three U.S. citizens that we know of, along with thousands of other men, women, and children, may eventually find it acceptable to include U.S. soil in its otherwise unlimited field of operations.

Contrary concerns over banning or restricting drones include these: drones could conceivably be put to positive or non-offensive use by departments fighting forest fires, first responders in rural areas, farmers, artistic photographers, real estate agents, tourism offices, and hobbyists; states and localities are limited in their control of air space by federal law.

Few if any localities have thus far made their desires known or created ordinances to regulate the use of drones, but state legislatures, including the General Assembly here in Virginia, are taking up bills. With the City of Charlottesville, where I live, planning to address the issue on February 19th, I've taken a look at (and plagiarized liberally from) numerous draft resolutions, including those from several cities that are now considering taking action: Berkeley, Buffalo, Madison, Ft. Wayne, et alia, as well as a draft resolution from anti-drone activist Nick Mottern, and one from the Rutherford Institute. The result is the following draft resolution that I offer for consideration, comment, and modification:

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA

Agenda Date:	February 4, 20122
Action Required:	Vote on Resolution
Presenter:	Maurice Jones
Staff Contacts:	Maurice Jones
Title:	**Anti-Drone Legislation**

Background:

Council requested that this be added to an agenda after a group of citizens spoke in support of passing an anti-drone resolution at the Council meeting on January 22, 2013.

Discussion:

Council received an email from David Swanson, as well as a proposed resolution

Attachments:
Email from David Swanson
Proposed Anti-Drone Resolution

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA

Agenda Date:	February 4, 2013
Action Required:	Approval of a Human Rights Ordinance and the formation of a Human Rights Commission
Staff Contact:	Maurice Jones, City Manager
Presenter:	David Ellis, Assistant City Manager Maurice Jones, City Manager
Title:	**Human Rights Commission/Ordinance**

Background/Discussion:
In January of 2009, the City Council authorized the formation of the Dialogue on Race Steering Committee to develop an initiative to address race relations in our community. During the course of the last four years the Dialogue on Race has held dozens of study circle sessions, formed action teams and developed initiatives to address many of the issues that continue to negatively affect people of color in our City.

After extensive research, the Government Policy Action Team of the Dialogue on Race put forth a proposal, approved by the Dialogue on Race Steering Committee, to establish the Charlottesville Commission on Human Rights, Diversity and Race Relations. In February of 2012 the Council approved the formation of a Human Rights Task Force to determine whether a Human Right Commission was needed in Charlottesville and if so what type of Commission should be formed.

During its eight months of research the Task Force and its staff took complaints from area residents who felt they were the victims of discrimination and referred them to the appropriate agencies; held a series of forums and work sessions with the public; and visited other localities with differing models of human rights commissions. During its presentation to the City Council in December, the task force members overwhelming agreed that discrimination still exists in our community and there needed to be some mechanism established to address it. Where the task force disagreed was over what form it would take.

After hearing from the task force and the City Council, staff was charged with developing a Human Rights Ordinance and the basic tenets of a Human Rights Commission for Council to consider. The Human Rights Ordinance, located below, prohibits discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

The proposed ordinance also establishes a nine member Human Rights Commission. The Human Rights Commission would be staffed by two individuals, who would be charged with carrying out the mission of the organization, staffing the commission's various sub-committees and serve as a liaison to residents who believe they have been discriminated against in the City of Charlottesville. They would be located in the newly created Office of Human Rights, a division of the City Manager's Office.

The Human Rights Commission will not initially engage in the investigation of complaints or the enforcement of findings however the ordinance is written in a way that would allow future City Councils to convey that authority to the Commission through a formal vote.

The mission of the Office of Human Rights would be to eradicate illegal discrimination in the City of Charlottesville utilizing a three pronged approach to include Systemic and Institutional Change, Service Coordination and Awareness and Community Dialogue and Engagement.

I. Systemic and Institutional Change

It is envisioned that this aspect of the Commission would focus on addressing discrimination barriers in public institutions. Recognizing that public institutions were once used as tools of illegal discrimination, it is important for those public institutions to periodically identify, report and change policies that promote racial disparities. The scope of this work could include, but would not be limited to, soliciting community feedback by conducting hearings, conducting focus groups on various topics, providing legislative, budgetary and policy recommendations for City Council, the Charlottesville Redevelopment and Housing Authority, Public Safety and other City Departments.

II. *Service Coordination and Awareness*

This part of the commission would be responsible for increasing the awareness and ease of accessing existing resources that address illegal discrimination. These resources would include preparing individuals for their appointments with organizations such as Piedmont Housing, Virginia Fair Housing and the Equal Employment Opportunity Commission along with ensuring increased visibility for organizations that address illegal discrimination. The Work Group would be responsible for monitoring the success of these efforts to determine if additional anti-discrimination measures merit consideration in the future.

III. Community Dialogue and Engagement

Building on the success and work of the Dialogue on Race this aspect of the commission would engage Charlottesville residents in honest dialogue, community awareness and brainstorming on issues of equity and opportunity and potentially provide the systemic and institutional change group with recommendations for further study.

Staffing

It is anticipated that two staff persons, a Director/Coordinator, along with an analyst, interns and an active and engaged, Human Rights Commission will provide enough human resources to begin implementation of the mission. If approved, funding for this position will be included in the FY14 budget and staffing would occur after June 30, 2013.

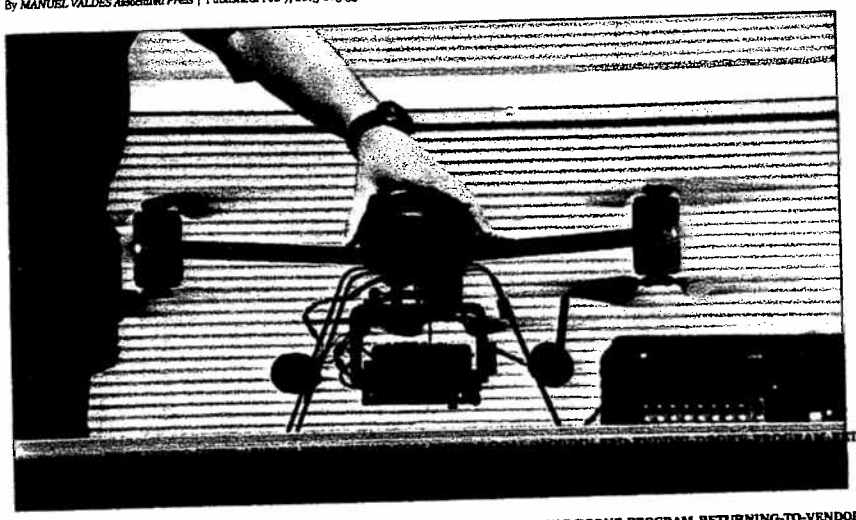
Budgetary Impact:

The cost of the office is anticipated to be $180,000. We currently have $90,000 in the budget for the Dialogue on Race and anticipate adding another $90,000 in Fiscal Year 2014.

KOMO News

Mayor grounds Seattle police drone program

By MANUEL VALDES Associated Press | Published: Feb 7, 2013 at 3:55 PM PST (2013-02-7T23:55:29Z) | Last Updated: Feb 8, 2013 at 11:06 AM PST (2013-02-8T19:06:45Z)



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PHOTOS (HTTP://WWW.KOMONEWS.COM/NEWS/LOCAL/MCGINN-SPD-ENDING-DRONE-PROGRAM-RETURNING-TO-VENDOR--190294501.HTML?TAB=GALLERY&C=Y)

SEATTLE (AP) - Seattle's mayor on Thursday ordered the police department to abandon its plan to use drones after residents and privacy advocates protested (/news/local/Seattle-residents-remain-skeptical-about-police-police-drones-190136471.html).

Mayor Mike McGinn said the department will not use two small drones it obtained through a federal grant. The unmanned aerial vehicles will be returned to the vendor, he said.

"Today I spoke with Seattle Police Chief John Diaz, and we agreed that it was time to end the unmanned aerial vehicle program, so that SPD can focus its resources on public safety and the community building work that is the department's priority," the mayor said in a brief statement.

The decision comes as the debate over drones heats up across the country. Lawmakers in at least 11 states are looking at plans to restrict the use of drones over their skies amid concerns the vehicles could be exploited to spy on Americans.

The Seattle Police Department previously said (/news/local/Seattle-police-drafting-policy-for-using-drones-175786101.html) it would use drones to provide an overhead view of large crime scenes, serious accidents, disasters, and search and rescue operations. It had conducted demonstrations of the drones to show the public their capabilities.

The program drew strong criticism (/news/local/Seattle-residents-remain-skeptical-about-police-police-drones-190136471.html) from residents Wednesday at a meeting of the City Council, which was considering an ordinance giving police the authority to use drones.

The proposed measure would have allowed the use of drones for data collection but barred police from using them over "open-air assembly of people" or for general surveillance. The drones would have carried no weapons, but the proposal would have allowed police to use face-recognition software in them.

The police department had purchased two Draganflyer X6 vehicles (http://www.draganfly.com/uav-helicopter/draganflyer-x6/), which have a width of 36 inches, length of 33.5 inches and stand just under a foot. The drones are capable of flying indoors and outdoors and carry a camera, according to the company website.

The department had not yet begun using the drones but received approval from the Federal Aviation Administration.

One of the program's key adversaries was the Washington chapter of the American Civil Liberties Union, which argued the drones were obtained without any public input or discussion.

"We applaud the mayor's action," spokesman Doug Honig said Thursday. "Drones would have given the police unprecedented abilities to engage in surveillance and intrude on the privacy of people in Seattle ... and there was a never a strong case made that Seattle needed them for public safety."

Moving forward, the ACLU would like to see the Legislature adopt "very tight restrictions" on law-enforcement drones statewide, Honig said.

Opposition to the use of drones in the U.S. has come from opposite sides of the political spectrum, including civil liberties advocates and those worried over government intrusion.

Editor Berkeley Patch Staff berkeley@patch.com

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Police & Fire

Sheriff Proposes Rules for Use of Drones in Alameda County

Pledges not to arm them and to keep cameras focused on crime scenes to "minimize the inadvertent collection of data on uninvolved persons."

By Tom Abate Email the author 9:55 am

Recommend 0 Tweet 0 Email Print Comment

Related Topics: Alameda County Sheriff's Office and drones



Alameda County Sheriff Gregory Ahern has drafted policies covering his plans to use aerial drones in crime, fire, rescue and disaster operations.

Patch first reported on the Sheriffs' plans to use drones last October.

That prospect aroused opposition from civil libertarians who fear that drones will snoop on law-abiding citizens and shred Fourth Amendment guarantees against being searched without a warrant.

Sheriff Ahern's plans were important enough to prompt an editorial in the *New York Times* warning that the rules governing the deployment of drones "should guarantee the strongest protection of privacy under what promises to be a galaxy of new eyes in the sky."

The sheriff's proposals begin with the assertion that his goal is "the safe, efficient and lawful operation" of drones or small unmanned aerial vehicles – sUAVs as he calls them.

In the realm of protecting civil liberties the policy would:

- set up a website to allow citizens to file concerns or complaints
- train drone operators to focus their cameras on areas central to their missions to "minimize the inadvertent collection of data about uninvolved persons or places"
- refrain from equipping sUAVs with weapons.

The sheriff says drones would be used for missions including:

- collecting evidence where a warrant issued or there is probable cause of a felony being committed
- in hostage situations, bomb threats, hazardous material spills, apprehending dangerous suspects and documenting crime scenes
- in response to fires, natural disasters or search-and-rescue missions
- during training operations

Just as President Obama controls the use of drones in life-and-death situations overseas, Sheriff Ahern proposes that law enforcement uses of sUAVs in Alameda County get the highest scrutiny.

"All flights will be approved in advance by the Sheriff or his/her designee (at least the rank of captain)," the policy says.

What do you think of the use of drones by law enforcement? Leave a comment below.

East Bay drone plan draws skepticism

Justin Berton
Updated 11:19 pm, Thursday, February 14, 2013

Alameda County Sheriff Greg Ahern, who wants his law enforcement agency to become the first in the state to fly drone aircraft to help fight crime, promised Thursday he would never use the devices to spy on residents.

But few believed him.

Several times during a Board of Supervisors committee hearing, an exasperated Ahern offered assurances that the 4.4-pound machine equipped with a video camera would be used only in "mission-specific" situations, such as looking for a missing child, giving deputies a bird's eye-view of large crime scenes like a school shooting, or hunting a fugitive in remote terrain.

"We will not use it for surveillance, we will not put weapons on them," Ahern said during the public comment period, during which 26 people spoke against the plan.

"But can you make that promise to the next generation?" shouted Davi Barker, 32, of Oakland.

The meeting, which was held to get public feedback, brought the proposal one step closer to a full vote of the Board of Supervisors. Ahern's department received a $31,000 federal grant to purchase the device last year, but he would need board approval to accept the money. Although that vote has not yet been scheduled, Ahern said he could have a drone in the skies within a year.

Since Ahern said in the fall that he wanted to buy an unmanned aircraft, the sheriff and American Civil Liberties Union lawyers have met to draft guidelines for what could become a template followed by law enforcement agencies across the state.

But Linda Lye, an ACLU staff attorney who has worked on the policy, said Ahern's staff had rejected several of her group's suggestions and that the plan has loopholes that could lead to excessive government surveillance.

Lye pointed to a provision that would allow the sheriff to deploy the aircraft at a crime scene for "preservation and documentation" - a vague description, she said.

Lye said a political protest, such as an Occupy march, could be declared a crime scene and sheriff's deputies could then use the aircraft to film those who attended.

"If he wants to use it only for search and rescue, then that's exactly what he should put in writing," Lye said.

Outside the Alameda County Administration Building in downtown Oakland, protesters gathered beneath a mock Predator drone outfitted with a missiles beneath its wings.

Ahern said protesters were unfairly conflating the device he wanted to purchase with militarized weaponry.

"We want to use this to help save lives," he said. "If it's their little girl we're looking for, or their elderly parent we can find, I think they would see it differently."

Most of those who spoke against the idea of buying a drone asked the board to delay a vote.

"We have a long history of recognizing civil rights in Alameda County," said Robert Raich, an attorney from Oakland. "We should be one of the last places to adopt this kind of technology, not the first."

Justin Berton is a San Francisco Chronicle staff writer. E-mail: jberton@sfchronicle.com Twitter: @justinberton

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On Feb. 16, 2013, Commissioner Dubal requested that the following New York Times article be forwarded to the other PRC commissioners.

February 15, 2013

Rise of Drones in U.S. Drives Efforts to Limit Police Use

By SOMINI SENGUPTA

They can record video images and produce heat maps. They can be used to track fleeing criminals, stranded hikers — or just as easily, political protesters. And for strapped police departments, they are more affordable than helicopters.

Drones are becoming a darling of law enforcement authorities across the country. But they have given rise to fears of government surveillance, in many cases even before they take to the skies. And that has prompted local and state lawmakers from Seattle to Tallahassee to outline how they can be used by police or to ground them altogether.

Although surveillance technologies have become ubiquitous in American life, like license plate readers or cameras for catching speeders, drones have evoked unusual discomfort in the public consciousness.

"To me, it's Big Brother in the sky," said Dave Norris, a city councilman in Charlottesville, Va., which this month became the first city in the country to restrict the use of drones. "I don't mean to sound conspiratorial about it, but these drones are coming, and we need to put some safeguards in place so they are not abused."

In Charlottesville, police officers are prohibited from using in criminal cases any evidence obtained by drones, also known as unmanned aerial vehicles. Never mind that the city police department does not have a drone, nor has it suggested buying one. The police are not barred from using drones for other efforts, like search and rescue.

Mr. Norris said the advent of new policing technologies poses new policy dilemmas for his city.

Charlottesville permits the police to install cameras temporarily in areas known for drug dealing, but it has rebuffed a police request to install cameras along its downtown shopping corridor. It has also chosen not to install cameras at traffic lights to intercept speeding cars, as is common elsewhere.

"Drones are capable of taking surveillance to a whole new level," Mr. Norris said.

Last week, the Seattle Police Department agreed to return its two still-unused drones to the manufacturer after Mayor Michael McGinn answered public protests by banning their use. On Thursday, the Alameda County Board of Supervisors in Oakland, Calif., listened to the county

COMMUNICATION No. 4416

sheriff's proposal to use federal money to buy a four-pound drone to help his officers track suspected criminals — and then listened to raucous opposition from the antidrone lobby, including a group that uses the Twitter handle @N.O.M.B.Y., short for Not Over My Back Yard.

This week, members of Congress introduced a bill that would prohibit drones from conducting what it called "targeted surveillance" of individuals and property without a warrant.

A federal law enacted last year paved the way for drones to be used commercially and made it easier for government agencies to obtain them. The Department of Homeland Services offered grants to help local law enforcement buy them. Drone manufacturers began to market small, lightweight devices specifically for policing. Drones are already used to monitor movement on the United States' borders and by a handful of police departments, and emergency services agencies around the country are just beginning to explore their uses.

The Federal Aviation Administration has received about 80 requests, including some from police and other government agencies, for clearance to fly drones, according to a Freedom of Information Act request filed by the Electronic Frontier Foundation, which seeks to limit their use for police surveillance.

Law enforcement authorities say drones can be a cost-effective technology to help with a host of policing efforts, like locating bombs, finding lost children, monitoring weather and wildlife or assisting rescue workers in natural disasters.

"In this time of austerity, we are always looking for sensible and cost-effective methods to improve public safety," said Capt. Tom Madigan of the Alameda County Sheriff's Department. "We are not looking at military-grade Predator drones. They are not armed."

For now, drones for civilian use run on relatively small batteries and fly short distances. In principle, various sensors, including cameras, can be attached to them. But there is no consensus in law on how the data collected can be used, shared or stored.

State and local government authorities are trying to fill that void. As they do, they are weighing not only the demands of the police and civil libertarians but also tricky legal questions. The law offers citizens the right to take pictures on the street, for instance, just as it protects citizens from unreasonable search.

State legislatures have come up with measures that seek to permit certain uses, while reassuring citizens against unwanted snooping.

Virginia is furthest along in dealing with the issue. In early February, its state Legislature passed a two-year moratorium on the use of drones in criminal investigations, though it has yet to be reviewed by the governor.

In several states, proposals would require the police to obtain a search warrant before collecting evidence with a drone.

Arizona is among them. So is Montana. The bill's sponsor there, Senator Matt Rosendale, a Republican, said he had no problems with drones being used for other purposes, like surveying forest fires, but he was especially vexed by the prospect of government surveillance. The manufacturers, he added, were marketing the new technology to government agencies, but neither federal nor local statutes specified how they could be used. "The technology was getting in front of the laws," Mr. Rosendale said.

An Idaho lawmaker, Chuck Winder, said he did not want to restrict law enforcement with a search warrant requirement. He said he was drafting language that would give law enforcement discretion to evaluate if there was "reasonable suspicion of criminal conduct."

The attention by lawmakers has delighted traditional privacy advocates. "I've been working on privacy issues for over a decade and rarely do we see such interest in a privacy threat that's largely in the future," said Jay Stanley, a senior policy analyst with the American Civil Liberties Union in Washington. "Drones are a concrete and instantly graspable threat to privacy."

A counterargument has come from an industry group, the Association for Unmanned Vehicle Systems International, which downplays fears about wholesale surveillance. The drones for sale for civilian use, it says, are nothing like the armed military grade aircraft used in wars overseas.

"They're another tool in the law enforcement representative's tool kit," said Gretchen West, the group's executive vice president. "We're not talking about large aircraft able to surveil a large area."

The F.A.A. is drafting rules on how drone licenses will be issued. On Thursday, it announced the creation of six sites around the country where drones of various sorts can be tested. Pressed by advocacy groups, it said it would invite public comment on privacy protections in those sites.

The agency estimates that the worldwide drone market could grow to $90 billion in the next decade.

Police Review Commission (PRC)

POLICE REVIEW COMMISSION

REGULAR MEETING

REVISED AGENDA

Wednesday, March 13, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL**

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENT**
 (Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. **APPROVAL OF MINUTES**
 Regular Meeting of February 27, 2013.

5. **CHAIRPERSON'S REPORT**
 Considerations for this year's annual review process of Mutual Aid Pacts.

6. **CHIEF OF POLICE'S REPORT**
 Budget, staffing, training, and crime updates.

7. **OLD BUSINESS**
 Discussion/action regarding Berkeley Police Department in-custody death on 2/12/13, including possible initiation of a complaint.

8. **NEW BUSINESS**
 A. Request by Commissioner Dubal to discuss possibility of changing the standard by which PRC Commissioners adjudicate over police misconduct complaints from "Clear and Convincing" to "Preponderance of the Evidence."

 B. Request by Commissioner Dubal to discuss complaints from members of the public and the press that BPD is not complying with the California Public Records Act in providing timely responses to request for information and possible actions.

 C. Request by Commissioner Dubal to discuss PRC subpoena power: history, procedure, past use, and possible future use.

1947 Center Street, Third Floor, Berkeley, CA 94704
e-mail: prc@cityofberkeley.info
Tel: 510-981-4950 TDD: 510-981-6903 Fax: 510-981-4955
http: // www.cityofberkeley.info/prc/

9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

A. Accreditation Subcommittee
Determination and announcement of next meeting date.

B. PRC 40th Anniversary Subcommittee
Update from last meeting.

C. Outreach Subcommittee
Update from last meeting.

D. Drones Subcommittee (for review of proposed resolution from City Council on drones).
Update from last meeting.

10. PRC OFFICER'S REPORT

Update status of complaints.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

A. Memorandum from Disaster and Fire Safety Commission regarding city-wide earthquake disaster exercise scheduled for April 27, 2013.
B. Report by five residents regarding crime in Berkeley Police Beat 2 – submitted by Commissioner Allen.
C. Letter to PRC regarding parking issues at Berkeley Pines Care Center.
D. Berkeley Police Department General Orders I-16 (Mentally Disordered Persons) and P-12 (Police-Involved Shootings and Fatal or Serious Injury Incidents), and D-2 (Detective Bureau) requested by Commissioner Perezvelez.
E. Berkeley Police Department General Order R-23 (Release of Public Records and Information), Penal Code sections 832.5, 832.7 and 832.8, provided by Secretary.
F. City of Berkeley Appeal Procedures for Berkeley Police Department Personnel and Caloca v. County of San Diego case – requested by Commissioner Dubal.
G. Public Records Act Request to PRC dated March 5, 2013.

Closed Session

12. CONSIDERATION AND VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE - Complaint # 2316

13. CONSIDERATION AND VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE - Complaint # 2324

End of Closed Session

14. ADJOURNMENT

Contact: Lucinda Simpson, Commission Secretary, at (510) 981-4950 or prc@cityofberkeley.info.

Communication Access Information (A.R.1.12)
Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

ADA Disclaimer
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Police Review Commission (PRC)

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 Budget, staffing, training, and crime updates.

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7. **NEW BUSINESS** (discussion and/or action)
 a. Photos for stat report.

 b. Discussion and action on referral from Berkeley City Council to review Berkeley Police Department's procedures related to eye witness testimony.

 c. Consideration of whether to send a recommendation to the City Manager requesting meet and confer process in order to change the standard of review for Board of Inquiry hearings from "clear and convincing" to "preponderance."

 d. Consideration of whether to hold a concurrent meeting with Peace and Justice Commission regarding City of Berkeley drone policy, including format, dates, content, presenters, and location.

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e. Consideration of whether to recommend to the Berkeley Police Department that their General Orders be made available on their website.

f. Review and possible changes to appointments to Accreditation Sub-committee.

g. Determination of Mutual Aid Pact review process for 2013, including possible formation of subcommittee.

8. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

A. Accreditation Subcommittee
Determination and announcement of next meeting date.

B. PRC 40th Anniversary Subcommittee
Next meeting date to be held April 10, 2013 at 6 p.m.

C. Outreach Subcommittee
Determination and announcement of next meeting date.

D. Drones Subcommittee (for review of proposed resolution from City Council on drones).
Update from last meeting.

9. PRC OFFICER'S REPORT

Update status of complaints, public records act request, and question forwarded to City Attorney's Office related to item 7.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS (discussion)

A. City Council referral (and attachments) for review of eye witness testimony procedures.
B. Letter dated 3/7/2013 from Nadia Kayyali, Legal Fellow, Bill of Rights Defense Committee regarding drone policy for City of Berkeley.
C. Miscellaneous emails with links regarding drones.
D. Email dated 3/19/13 from Bryan Westfall regarding drones.
E. Public Records Act Response dated March 12, 2013.
F. Public Records Act Request dated March 15, 2013.
G. Email from Andrea Pritchett of CopWatch with link to incident on 3/13/13.
H. Email from Captain Harris requesting Commission input on role of BPD representatives and members of the public at subcommittee meetings.
I. Email from Captain Harris regarding 2012 public record act requests.
J. Email to Disaster and Fire Safety Commission dated March, 20, 2013 from drones subcommittees of PRC and Peace and Justice Commissions.
K. Email from Disaster and Fire Safety Commission Secretary to PRC dated March 20, 2013.

11. ADJOURNMENT

Contact: Lucinda Simpson, Commission Secretary, at (510) 981-4950 or prc@cityofberkeley.info.

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BORDC
BILL of RIGHTS
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Standing for liberty when our government won't

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3/7/2013

Berkeley Peace and Justice Commission
c/o Eric Brenman, 1947 Center Street, 3rd Floor, Berkeley CA 94704
ebrenman@ci.berkeley.ca.us

Berkeley Police Review Commission
1947 Center Street, 3rd Floor, Berkeley CA 94704
prc@cityofberkeley.info

via email

Re: Drone policy for the City of Berkeley
Dear Members of the PJC and PRC,

I write as a legal fellow with the Bill of Rights Defense Committee and a member of Alameda County Against Drones (ACAD) to address Berkeley's drone policy. From what I understand, you are tasked with providing the full City Council with a recommendation for a policy. Further, I understand that there were various positions on City Council, some arguing that Berkeley should be a drone-free zone , and others arguing that drones should be allowed: "1) in the case of a disaster, 2) to assist in locating missing persons, 3) to assist in rescue efforts, 4) to assist in police pursuit of known suspects who have committed serious or violent crimes."

As you likely know, ACAD has adopted the former position, i.e. we want to see Berkeley declare itself a drone-free zone and encourage the Alameda County Board of Supervisors to adopt that position a well. I wanted to provide you with some background on this position, which has technical and civil liberties bases. Please note that there are also serious fiscal concerns with the purchase of a drone, which I have not outlined here but am happy to provide further information on.

I. Civil Liberties Concerns

I think the civil liberties concerns are clear, but I'd like to briefly reiterate them for you. There are currently bills pending to regulate drone use in 29 states.[1] These bills are transpartisan, many of them having Republican and Democrat co-sponsors and support from third parties. While these bills do not entirely address ACAD's concerns with drones, they do make it clear that there are serious concerns with drone technology. Furthermore, they make it clear these issues have not been addressed, and that the best policy now is simply not to use drones.

The first and foremost concern is privacy. As a Congressional Research Service white paper written late last year explains, traditional Fourth Amendment jurisprudence will have a hard time addressing the myriad privacy concerns raised by drones.[2] Drone surveillance technology is extremely advanced. The type of drones used by law enforcement agencies can carry high-definition cameras, infrared systems which can see through obstacles, radar, LIDAR, the ability to intercept cell phone communications, "less lethal" weapons, and lethal weapons.[3] In the near future, they will also be equipped with facial recognition systems and license plate readers.[4]

This large and expanding toolkit makes drones incredibly powerful tools of surveillance. At the same time, because of their size and design, they can hover very quietly outside of windows. This ability to conduct covert surveillance with a small piece of equipment is unprecedented. Restrictions on the types of missions for which drones are authorized cannot fully address this concern, since whatever drones are specifically used for, they are capable of capturing personally identifying information while ostensibly being deployed for other missions.

Compounding this problem is the concern that drone use will chill First Amendment protected speech. Berkeley has a history of responding to such concerns with the decision not to allow problematic technology to be deployed in the city.[5] Sheriff Ahern made it clear at the February 14th hearing that he would not rule out deploying a drone for a protest, stating "We don't want to rule out a lot of uses."[6] He has also said "I'm not going to tell you we wouldn't use [a drone] in the event that a crowd turned violent."[7] This is particularly worrisome considering his involvement in the violent suppression of Occupy Oakland. That action resulted in a lawsuit

[1] https://www.aclu.org/blog/technology-and-liberty/status-domestic-drone-legislation-states
[2] http://www.fas.org/sgp/crs/natsec/R42701.pdf
[3] http://epic.org/privacy/drones/#tech; http://www.newscientist.com/article/dn20771-homemade-drone-to-help-phone-and-wifi-hackers.html
[4] *See* note 2 at pp. 3-4.
[5] http://www.sfgate.com/bayarea/article/No-place-in-Berkeley-for-police-armored-car-3686971.php
[6] http://www.constitutioncampaign.org/blog/?p=12101
[7] http://www.thedaily.com/page/2012/03/12/031212-news-armed-drones-1-2/; http://www.ktvu.com/videos/news/oakland-aclu-battling-plans-by-alameda-sheriff-to/vjTFy/

against Alameda County Sheriff's Department, and caused Berkeley to review its mutual aid strategy. Drones are currently being armed with tear gas and rubber bullets, with obvious implications for public activism.[8]

There are also major concerns about the use of military technology, which is "largely a product of our wars abroad."[9] Drones were first used in the military context, and a Freedom of Information Act request recently uncovered that Department of Homeland Security drones are adapted for domestic surveillance, including capabilities to: " 'identif[y] a standing human being at night as likely armed or not,' meaning carrying a shotgun or rifle. They also specify 'signals interception' technology that can capture communications in the frequency ranges used by mobile phones, and 'direction finding' technology that can identify the locations of mobile devices or two-way radios."[10] While domestic drones are not the same as drones used overseas for targeted killing, they are adapted from that technology. The symbolic gesture of using such technology domestically troubles ACAD.

II. Technical Concerns

Drones are incredibly powerful as tools of surveillance.[11] Furthermore, drone technology is rapidly changing, making it difficult to draft and implement legislation to minimize the risk of improper use.

The argument that they can be used in search and rescue and other missions is not based on their actual capabilities. Current drone technology is best suited for one thing: surveillance. The drone Sheriff Ahern wants to purchase has a 12-25 minute flying time, and most drones used by local law enforcement agencies have similar capabilities.[12] According to the Sheriff's testimony, drones require two operators, an observer and a flier. They can only fly during the day, under 400 feet, and in unpopulated areas.[13] They cannot get close to heat sources such as large fires, and they can only be flown in calm weather. This leaves a machine that is best suited to surveillance, not search and rescue.

In addition to the reality of drone capabilities, there are very real public safety costs. Drones are unproven in American civilian airspace, and have only seen widespread use in combat theaters, where they are the least safe class of aircraft currently in operation.[14] An FAA official testified to Congress that Customs and Border Protection has reported 52.7 drone accidents per 100,000 hours of flight time, seven times the civil aviation rate of

[8] http://washington.cbslocal.com/2012/05/23/groups-concerned-over-arming-of-domestic-drones
[9] http://www.aclu.org/blog/technology-and-liberty/aclu-asking-federal-government-how-its-using-drones-inside-us
[10] http://news.cnet.com/8301-13578_3-57572207-38/dhs-built-domestic-surveillance-tech-into-predator-drones/
[11] https://www.eff.org/issues/surveillance-drones
[12] http://www.wired.com/threatlevel/2013/02/alameda-drone-deployment/
[13] http://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=14153
[14] The Global Hawk, Predator, and Reaper drones have a combined rate of 9.31 accidents for every 100,000 hours of flight time, more than triple the fleetwide average of 3.03. See Brendan McGarry, "Drones Most Accident-Prone U.S. Air Force Craft," BGOV Barometer (June 18, 2012), http://www.businessweek.com/news/2012-06-18/drones-most-accident-prone-u-dot-s-dot-air-force-craft-bgov-barometer

7.11 accidents per 100,000 hours.[15] Part of this heavy accident toll can be explained by drones' vulnerability to control uplink failure, which has led to incidents such as a Reaper drone 'going rogue' and having to be shot down.[16] In addition, drones currently lack the see-and-avoid capability of manned aircraft, and tests of drone collision avoidance systems have thus far failed to satisfy the FAA.[17] Exemplifying these concerns, during a Texas sheriff's drone demonstration, a new $300,000 drone accidentally crashed into the SWAT team's Bearcat armored vehicle.[18]

Conclusion

For the reasons outlined above, I ask Berkeley to consider a blanket no-drone policy. Berkeley's decision in this area may have consequences for the entire county, and it is clear from the Public Protection Committee hearing that the prevalent attitude among Alameda County residents is that no drone is a good drone.

Sincerely,

Nadia Kayyali
Legal Fellow, Bill of Rights Defense Committee
nadia@bordc.org

[15] FAA Vice President for Systems Operations Nancy Kalinowski, Statement to Subcommittee on the Role of Unmanned Aerial Systems (July 15, 2010), http://www.faa.gov/news/testimony/news_story.cfm?newsId=11599

[16] http://www.businessinsider.com/drone-piloted-by-ohioans-deliberately-crashed-in-afghanistan-2012-9

[17] FAA test of the Traffic Alert and Collision System, concluding that the system should not be authorized for use on drones, http://www.faa.gov/about/initiatives/uas/media/TCASonUAS_FinalReport.pdf

[18] http://gizmodo.com/5890507/police-drone-crashes-into-police

C

To: PRC Subcommitee on Drones
From: Veena Dubal, Chair, PRC Subcommittee on Drones
Date: March 13, 2013
Re: Communications from concerned members of the public

After the last PRC Subcommittee Meeting on Drones (March 7, 2013), members of the public sent the following links to the subcommitee. I am including them in our agenda packet for purposes of transparency and discussion.

1. **ACSO is the Cal EMA Mutual Aid Region II Coordinator**, and therefore would have the authority to deploy drones from Monterey to the Oregon border.

http://www.calema.ca.gov/LawEnforcement/Pages/Mutual-Aid.aspx
http://www.calema.ca.gov/LawEnforcement/Pages/BlueBook%20%20Revision%20dy.2009.pdf

2. **Police Militarization**

The Militarization of Policing in America - Towns Don't Need Tanks
http://www.aclu.org/militarization

Overkill: the rise of paramilitary police raids in America
by Radley Balko
http://dedicto.com/wordpress1/balko-2006-overkill/#c
Whitepaper:
http://www.cato.org/sites/cato.org/files/pubs/pdf/balko_whitepaper_2006.pdf

"SWAT teams are now being used to respond even
to calls about angry dogs and domestic disputes." - page 13

Our Militarized Police Departments
Testimony before the House Subcommittee on Crime
Radley Balko | July 2, 2007
http://reason.com/archives/2007/07/02/our-militarized-police-departm

"SWAT teams were originally designed to be used in violent, emergency situations like hostage takings, acts of terrorism, or bank robberies. From the late 1960s to the early 1980s, that's primarily how they were used, and they performed marvelously. But beginning in the early 1980s, they've been increasingly used for routine warrant service in drug cases and other nonviolent crimes. And thanks to the Pentagon transfer programs, there are now a lot more of them."

Botched Paramilitary Police Raids (Map)

http://www.cato.org/raidmap

3. Drone Lobby / Propaganda

Exclusive: PowerPoint Shows Drone Industry's Lobbying Plan To Expand Over Domestic, Law Enforcement Markets
http://www.republicreport.org/2012/drone-powerpoint-lobby-plan/
Page 6: **The drone lobbyists take full credit for authoring the expansion of domestic drone use codified in the FAA authorization bill** passed last week, noting "the only changes made to the UAS section of the House FAA bill were made at the request of AUVSI. Our suggestions were often taken word-for-word."

Drones' new weapon: P.R.
http://www.salon.com/2012/05/22/drones_new_weapon_p_r/singleton/
"AUVSI has hired a public relations firm to develop a media campaign to counter media coverage that he faults for emphasizing "sensationalism and the scare factor." "
"the campaign will focus on safety and public benefits."

Drone lobby created website to "highlight the valuable & endless benefits of all unmanned systems & robotics drones are for the environment! jobs! they help kids learn science! keep cops safe! protect animals!
http://t.co/iqulOMEN

Surveillance drone industry plans PR effort to counter negative image (UK)
http://www.guardian.co.uk/uk/2012/feb/02/surveillance-drone-industy-pr-effort

4. California Drones & Politics

California's Lt. Governor Gavin Newsom is hosting a conference with drone companies and the politicians who want to give them tax breaks.
http://nomby.wordpress.com/2013/03/02/aiaacauav/

California lawmakers propose rules, tax breaks for drone aircraft
http://www.latimes.com/news/local/political/la-me-pc-drone-rules-20130227,0,2251288.story

5. Drones in Malibu

Port Hueneme council supports Malibu spy drone base. Gorell, who wants to give drone tax exemptions, supports it #obv

http://www.vcstar.com/news/2013/mar/05/port-hueneme-supports-drones-point-mugu/?partner=popular

6. AUVSI Lobbying

Please find a link to the AUVSI (association for unmanned vehicle systems international) report in which they take credit for driving FAA policy. It's on page four.

http://higherlogicdownload.s3.amazonaws.com/AUVSI/958c920a-7f9b-4ad2-9807-f9a4e95d1ef1/UploadedImages/2011_AnnualReport.pdf

Simpson, lucinda

From: PRC (Police Review Commission)
Sent: Friday, March 08, 2013 9:19 AM
To: Simpson, lucinda
Subject: FW: Drone-related links

From: mary lovegadget [mailto:mary@lovegadget.com]
Sent: Friday, March 08, 2013 12:27 AM
To: PRC (Police Review Commission)
Cc: dubalprc@gmail.com; Michael Siegel; Nadia Kayyali; Neil Satterlund (neilcolin@gmail.com)
Subject: Drone-related links

Hello, PRC:

Here are some links on topics that Commissioner Morris expressed interest in.

I am sending them to you because I don't know his email address.

Could you please pass them along?

Thanks very much,
Mary Madden
Alameda County Against Drones
http://nomby.wordpress.com

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http://dedicto.com/wordpress1/balko-2006-overkill/#c
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California lawmakers propose rules, tax breaks for drone aircraft
http://www.latimes.com/news/local/political/la-me-pc-drone-rules-20130227,0,2251288.story

Drones in Malibu

Port Hueneme council supports Malibu spy drone base. Gorell, who wants to give drone tax exemptions,

Simpson, lucinda

From: Veena Dubal [dubalprc@gmail.com]
Sent: Wednesday, March 13, 2013 1:28 PM
To: Simpson, lucinda
Subject: Fwd: Drone-related links

Dear Lucinda:

A member of the public ask that we include these documents in our packets.

Thank you for doing this,
Veena

---------- Forwarded message ----------
From: **mary lovegadget** <mary@lovegadget.com>
Date: Fri, Mar 8, 2013 at 12:27 AM
Subject: Drone-related links
To: prc@cityofberkeley.info
Cc: dubalprc@gmail.com, Michael Siegel <michaeljwsiegel@gmail.com>, Nadia Kayyali <nadia@bordc.org>, "Neil Satterlund (neilcolin@gmail.com)" <neilcolin@gmail.com>

Hello, PRC:

Here are some links on topics that Commissioner Morris expressed interest in.

I am sending them to you because I don't know his email address.

Could you please pass them along?

Thanks very much,
Mary Madden
Alameda County Against Drones
http://nomby.wordpress.com

ACSO is the Cal EMA Mutual Aid Region II Coordinator, and therefore would have the authority to deploy drones from Monterey to the Oregon border.

http://www.calema.ca.gov/LawEnforcement/Pages/Mutual-Aid.aspx
http://www.calema.ca.gov/LawEnforcement/Pages/BlueBook%20%20Revision%20dy.2009.pdf

Police Militarization

The Militarization of Policing in America - Towns Don't Need Tanks
http://www.aclu.org/militarization

Whitepaper:

41

http://www.cato.org/sites/cato.org/files/pubs/pdf/balko_whitepaper_2006.pdf

Our Militarized Police Departments
Testimony before the House Subcommittee on Crime
Radley Balko | July 2, 2007
http://reason.com/archives/2007/07/02/our-militarized-police-departm

Drone Lobby / Propaganda

Exclusive: PowerPoint Shows Drone Industry's Lobbying Plan To Expand Over Domestic, Law Enforcement Markets
http://www.republicreport.org/2012/drone-powerpoint-lobby-plan/
Page 6: T**he drone lobbyists take full credit for authoring the expansion of domestic drone use codified in the FAA authorization bill** passed last week, noting "the only changes made to the UAS section of the House FAA bill were made at the request of AUVSI. Our suggestions were often taken word-for-word."

Drones' new weapon: P.R.
http://www.salon.com/2012/05/22/drones_new_weapon_p_r/singleton/
"AUVSI has hired a public relations firm to develop a media campaign to counter media coverage that he faults for emphasizing "sensationalism and the scare factor." "
"the campaign will focus on safety and public benefits."

Drone lobby created website to "highlight the valuable & endless benefits of all unmanned systems & robotics drones are for the environment! jobs! they help kids learn science! keep cops safe! protect animals!
http://t.co/iquI0MEN

Surveillance drone industry plans PR effort to counter negative image (UK)
http://www.guardian.co.uk/uk/2012/feb/02/surveillance-drone-industy-pr-effort

California Drones & Politics

California's Lt. Governor Gavin Newsom is hosting a conference with drone companies and the politicians who want to give them tax breaks.
http://nomby.wordpress.com/2013/03/02/aiaacauav/

California lawmakers propose rules, tax breaks for drone aircraft
http://www.latimes.com/news/local/political/la-me-pc-drone-rules-20130227,0,2251288.story

Drones in Malibu

Port Hueneme council supports Malibu spy drone base. Gorell, who wants to give drone tax exemptions, supports it #obv
http://www.vcstar.com/news/2013/mar/05/port-hueneme-supports-drones-point-mugu/?partner=popular

Simpson, lucinda

From: Veena Dubal [dubalprc@gmail.com]
Sent: Wednesday, March 13, 2013 1:29 PM
To: Simpson, lucinda
Subject: Fwd: Drone lobby credit claim

And one more.

---------- Forwarded message ----------
From: **Neil Satterlund** <neilcolin@gmail.com>
Date: Thu, Mar 7, 2013 at 6:41 PM
Subject: Drone lobby credit claim
To: "dubalprc@gmail.com" <dubalprc@gmail.com>

As you have just asked me, please find a link to the AUVSI (association for unmanned vehicle systems international) report in which they take credit for driving FAA policy. It's on page four.

http://higherlogicdownload.s3.amazonaws.com/AUVSI/958c920a-7f9b-4ad2-9807-f9a4e95d1ef1/UploadedImages/2011_AnnualReport.pdf

Thank you for your attention to this.

From the outboard brain of Neil Satterlund.

D

From: Bryan Westfall [forabitmorecontext@gmail.com]
Sent: Tuesday, March 19, 2013 9:11 AM
To: PRC (Police Review Commission); Brenman, Eric
Subject: Drone Meeting 3/18

Hello,

My name is Bryan Westfall and I'm the indie journalist that attended the drone subcommittee meeting last night. To give a more complete introduction, I live in the East Bay and cover activism all over the Bay Area...but primarily Berkeley, Oakland & San Francisco. My work can be found at the following links:

http://forabitmorecontext.tumblr.com
http://www.youtube.com/forabitmorecontext
http://www.flickr.com/photos/forabitmorecontext
http://www.facebook.com/forabitmorecontext

My apologies if I initially offended any of the commissioners with the camera set-up. I'd like to fill you in on what I'm working on and hopefully get some feedback I can pass on to city leaders around Alameda County.

After attending the hearing in Oakland on 2/14 and hearing County Counsel Donna Ziegler tell the Board of Sups that they could only object on a budgetary level, I wanted to find out who COULD limit the Sheriffs use of a drone in Alameda County... particularly at the city level. I've been contacting city attorneys, Mayors, and city council members from all the cities in Alameda County to see where they stand on the use of drones in their cities as well as what they think they could do to limit/restrict the sheriffs use of one.

I know that your work on drones in Berkeley pre-dates the sheriffs desire for one and you're working on policy for Berkeley police/fire and not county...but I would love it if any of the commissioners from either board would share thoughts on why the city leaders should at least start the conversations in their cities. Many who I have contacted have stated they haven't even addressed it on a city level.

Any feedback would be wonderful.

Cheers,
Bryan Westfall
http://twitter.com/bobsterrrob

J

Simpson, lucinda

From: Veena Dubal [vdubal@gmail.com]
Sent: Wednesday, March 20, 2013 12:06 PM
To: Simpson, lucinda
Subject: Fwd: Town Hall on Drones in Berkeley

Dear Lucinda: If it is proper (or necessary) to include this communication in our next subcommittee packet, please do so. Thank you, Veena

---------- Forwarded message ----------
From: **Robert L. Meola** <bobmeola@mindspring.com>
Date: Wed, Mar 20, 2013 at 12:05 PM
Subject: Town Hall on Drones in Berkeley
To: ALee@cityofberkeley.info

Dear Disaster and Fire Safety Commission,

On behalf of the Drone Subcommittees of the Police Review Commission and the Peace and Justice Commission, we ask you to join us as we explore and exchange ideas at an upcoming Town Hall on Drones in Berkeley. We are planning the event for 6:00pm to 10:00pm on May 1st, 2013, location TBA. We invite you to share your ideas with the community and to hear the community's reactions to the possibility of drones in our city. We will be inviting guest speakers, seeking and receiving position statements and other writings, and listening to public comment in the following four categories regarding Drones in Berkeley: (1) Technical Aspects and Limitations; (2) Public Safety and What Drones are Good for; (3) Civil Liberties; and (4) Moral and Political Consequences.

We invite your co-sponsorship of the event and seek your participation in any capacity you see fit.

Sincerely,
Veena Dubal
Chairperson, Subcommittee on Drones, Police Review Commission

Bob Meola
Chairperson, Subcommittee on Drones, Peace and Justice Commission
--
"Government is violence."--Leo Tolstoy "A nonviolent revolution is not a programme of 'seizure of power.' It is a programme of transformation of relationships ending in a peaceful transfer of power."--Mahatma Gandhi "The greatest purveyor of violence in the world today is my own government."-- Martin Luther King, Jr. "Sooner or later the American people are going to wake up."--Emma Goldman

--
Veena Dubal, J.D.
Ph.D. Candidate - Jurisprudence and Social Policy
University of California, Berkeley
2240 Piedmont Avenue

50

Berkeley, California 94720
vdubal@berkeley.edu
510.684.8050 (mobile)

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K

Simpson, lucinda

From: Chin, Khin
Sent: Wednesday, March 20, 2013 12:54 PM
To: Chin, Khin
Cc: Lee, Aaron; Dong, Gil; Simpson, lucinda; PRC (Police Review Commission); Brenman, Eric
Subject: FW: for packet+Pls Fwd to DFSC: Town Hall on Drones in Berkeley

Disaster and Fire Safety Commissioners,

Please see the below communication from the Drones subcommittee of the Police Review Commission and the Peace and Justice Commission.

This will be on the commission's April agenda for discussion/action.

Khin Chin
Berkeley Fire Department
Office of Emergency Services
510.981.5506

From: "Robert L. Meola" <bobmeola@mindspring.com>
Date: March 20, 2013 12:05:40 PM PDT
To: ALee@CityofBerkeley.info
Subject: Town Hall on Drones in Berkeley

Dear Disaster and Fire Safety Commission,

On behalf of the Drone Subcommittees of the Police Review Commission and the Peace and Justice Commission, we ask you to join us as we explore and exchange ideas at an upcoming Town Hall on Drones in Berkeley. We are planning the event for 6:00pm to 10:00pm on May 1st, 2013, location TBA. We invite you to share your ideas with the community and to hear the community's reactions to the possibility of drones in our city. We will be inviting guest speakers, seeking and receiving position statements and other writings, and listening to public comment in the following four categories regarding Drones in Berkeley: (1) Technical Aspects and Limitations; (2) Public Safety and What Drones are Good for; (3) Civil Liberties; and (4) Moral and Political Consequences.

We invite your co-sponsorship of the event and seek your participation in any capacity you see fit.

Sincerely,
Veena Dubal
Chairperson, Subcommittee on Drones, Police Review Commission

Bob Meola
Chairperson, Subcommittee on Drones, Peace and Justice Commission
--
"A nonviolent revolution is not a programme of 'seizure of power.' It is a programme of transformation of relationships ending in a peaceful transfer of power."--Mahatma Gandhi

> "The greatest purveyor of violence in the world today is my own government."-- Martin Luther King, Jr.
>
> "Sooner or later the American people are going to wake up."--Emma Goldman

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Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA

Wednesday, April 10, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL**

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. **APPROVAL OF MINUTES**
Regular Meeting of March 27, 2013.

5. **CHIEF OF POLICE'S REPORT**
Budget, staffing, training, and crime updates.

6. **OLD BUSINESS** (discussion and/or action)
 a. Consideration of whether to send a recommendation to the City Manager requesting meet and confer process in order to change the standard of review for Board of Inquiry hearings from "clear and convincing" to "preponderance."
 b. Determination of Mutual Aid Pact review process for 2013, including possible formation of subcommittee.

7. **NEW BUSINESS** (discussion and/or action)
 a. Presentation on Berkeley Police Department's Crisis Intervention Team by Officer Shannon.
 b. Input on Berkeley Police Department's draft of new policy on fair and impartial policing, and possible selection of a delegate to attend a further meeting with BPD.
 c. Consider policy complaint concerning Berkeley Police Department's policy regarding found property (General Order p-65).

1947 Center Street, Third Floor, Berkeley, CA 94704
e-mail: prc@cityofberkeley.info
Tel: 510-981-4950 TDD: 510-981-6903 Fax: 510-981-4955
http: // www.cityofberkeley.info/prc/

d. Review and approval of planning recommendations from Drones Subcommittee for a special concurrent meeting with Peace and Justice Commission – Town Hall on drones on May 1, 2013 at 6 p.m.

e. Consideration of whether to review BPD's policies on the use of wraps and spit hoods and whether such policy review can be case specific as to an incident on March 13, 2013. From: Commissioner Morris

f. Clarification of the roles of BPD staff and members of the public at subcommittee meetings.

g. Berkeley Police Officer Association's recent survey on use of Tasers. From: Commissioner Perezvelez

8. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

A. Accreditation Subcommittee
 1. Determination and announcement of next meeting date.
 2. Review and possible changes to appointments.

B. PRC 40th Anniversary Subcommittee
 Update from last meeting and determination of future meeting date.

C. Outreach Subcommittee
 Update from last meeting and determination of future meeting date.

D. Drones Subcommittee (for review of proposed resolution from City Council on drones).
 Update from last meeting and determination of future meeting date.

9. PRC OFFICER'S REPORT

Update status of complaints.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

11. ADJOURNMENT

Contact: Lucinda Simpson, Commission Secretary, at (510) 981-4950 or prc@cityofberkeley.info.

Communication Access Information (A.R.1.12)
Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

ADA Disclaimer
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission located at 1947 Center Street, 3rd floor.

COMMUNICATION No. 4416

From: bob flasher [rangerdude333@hotmail.com]
Sent: Friday, March 22, 2013 1:58 PM
To: Chin, Khin
Cc: Lee, Aaron; Dong, Gil; Simpson, lucinda; PRC (Police Review Commission); Brenman, Eric
Subject: RE: for packet+Pls Fwd to DFSC: Town Hall on Drones in Berkeley

Looks like we've been outvoted by two other commissions. I like their concept of gathering public input before making a final recommendation. This is a responsible and intelligent way to gain perspective on a potentially controversial issue. We should do similarly before we make recommendations on potentially controversial issues (although in Berkeley, everything is a potential controversy, so maybe we should ignore their admirable example of participatory democracy).

From: KChin@ci.berkeley.ca.us
To: KChin@ci.berkeley.ca.us
CC: ALee@ci.berkeley.ca.us; GDong@ci.berkeley.ca.us; lsimpson@ci.berkeley.ca.us; prcmailbox@ci.berkeley.ca.us; EBrenman@ci.berkeley.ca.us
Subject: FW: for packet+Pls Fwd to DFSC: Town Hall on Drones in Berkeley
Date: Wed, 20 Mar 2013 19:54:12 +0000

Disaster and Fire Safety Commissioners,

Please see the below communication from the Drones subcommittee of the Police Review Commission and the Peace and Justice Commission.

This will be on the commission's April agenda for discussion/action.

Khin Chin
Berkeley Fire Department
Office of Emergency Services
510.981.5506

From: "Robert L. Meola" <bobmeola@mindspring.com>
Date: March 20, 2013 12:05:40 PM PDT
To: ALee@CityofBerkeley.info
Subject: Town Hall on Drones in Berkeley

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Sincerely,
Veena Dubal
Chairperson, Subcommittee on Drones, Police Review Commission

Bob Meola
Chairperson, Subcommittee on Drones, Peace and Justice Commission
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"The greatest purveyor of violence in the world today is my own government."-- Martin Luther King, Jr.

"Sooner or later the American people are going to wake up."--Emma Goldman